Reserved

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 1407 of 2003 (SS)

Naresh Pal Singh s/o Sri Babu Ram
R/o Ramnagar Purvi Gauntia,
Bareilly ..... Petitioner

Versus

1. Chairman, U.P. State Road Transport Corporation, Lucknow
2. General Manager, U.P. Road Transport Corporation Meerut
3. Regional Manager, U.P. Road Transport Cor. Tanakpur District Champawat ..... Respondents

Sri S.S. Yadav, Advocate for the petitioner
Sri A.K. Sharma, Advocate for the respondents.

Dated: April 18, 2006

Hon'ble Rajesh Tandon, J.

Heard Sri S.S. Yadav counsel for the petitioner and Sri A.K. Sharma Counsel for the respondents.

Briefly stated the petitioner was appointed on the post of Driver in U.P. State road Transport Corporation on adhoc basis in the year 1992 and he was regularised in the year 1994. The petitioner was terminated from service on 11.5.2002 on the ground that at the time of submitting his application for appointment in the department he submitted fake driving

licence. The petitioner preferred an appeal against his termination order, which was also dismissed on 30.8.2003.

Respondents have filed counter affidavit and have submitted that at the time of submitting application for appointment in the Corporation the petitioner along with his application filed Driving Licence No. 1661-K-86. During enquiry the said driving licence was sent for verification and R.T.O. Haldwani has reported that the licence is fake and fabricated. After issuing so cause notice to the petitioner his services were terminated. The petitioner filed appeal and in the memo of appeal he admitted the fact of fake driving licence.

High Court has limited jurisdiction in a writ petition to scrutinize the facts and evidence adduced by the parties. In the present case there are concurrent findings of disciplinary authority as well as appellate authority that the driving licence produced by the petitioner at the time of submitting his application for appointment on the post of drier was fake.

It has come in the record that at present the petitioner is having a valid licence and till the date of his termination he was driving the vehicles of the respondents efficiently and diligently. There is no allegation regarding his inefficiency in driving the vehicles or any other incompetence in discharging his official duty in his fourteen years career as driver.

The petitioner has produced copy of the order dated 28.7.2002 passed by Sri H.N. Agarwal, Divisional General Manager in a appeal. The facts of that case are similar to the case of the petitioner but the same authority has taken lenient view in that case and instead of terminating the services of the appellant he awarded minor punishment to him. The counsel for the petitioner has prayed that on the ground of parity

lenient view in awarding the sentence also be taken in the case of the petitioner.

In view of above, I am of the opinion that punishment of dismissal from the service awarded is too harsh and instead of a punishment of withholding three increments with cumulative effect and a censure entry would meet the ends of justice. Consequently, the petitioner is directed to be reinstated forthwith.

Subject to the above observations, the writ petition is partly allowed.

No order as to costs.

Dated: April 18, 2006 **Rajesh Tandon, J.**

*Dhyani